

REMARKS

Applicant acknowledges receipt of the Office Action dated September 29, 2006 wherein: (1) claims 1, 2, 4, 6, 7, 8, 10, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Decker; (2) claims 1, 3-8 and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kukesh; and (3) claims 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kukesh in view of Long. Applicant respectfully requests the Examiner reconsider her rejections in view of the following remarks.

I. STATUS OF THE CLAIMS

Claims 1-14 are currently pending.

Claim 1-9 and 11-14 are in original form. Claim 10 has been amended in the present reply to correct a minor typographical error.

II. CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1, 2, 4, 6, 7, 8, 10, 12 and 13

The Examiner rejected claims 1, 2, 6, 7, 8, 10, 12 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,169,545 to Decker (*Decker '545*). Applicants respectfully submit that *Decker '545* does not anticipate these claims at least because *Decker '545* does not teach each and every element of independent claims 1, 4, and 10.

Embodiments of the claimed invention, as recited in claims 1, 4, and 10, divide two fluid streams into respective primary and secondary streams. The primary streams of the two fluid streams are combined with each other separately from the combining of the secondary streams of the two fluid streams. The result is at least two separately mixed streams.

In contrast, *Decker '545* maintains two entirely separate streams of fluid until mixing the two fluid streams in a final mixing chamber. With reference to Figure 1, fluid component A is dispensed from tank 24 and fluid component B is dispensed from tank 26. Pump 28 separately drives fluid components A and B through a yoke 32 attaching hydraulic cylinder 30 to A and B component sections. Col. 3, ll. 12-18. Separate hoses 33 and 35 respectively deliver all of fluid components A and B to apparatus 10 for mixing and spraying. *Decker '545* is completely silent on splitting the two component fluids into primary and secondary streams. Thus, *Decker '545* neither teaches nor suggests splitting each of the two fluid streams into primary and secondary streams and

separately mixing the respective primary streams and the secondary streams, as recited in claims 1, 4, and 10.

For at least these reasons, Applicants respectfully submit that *Decker* '545 neither teaches nor suggests the claimed invention, as recited in independent claims 1, 4, and 10. Thus, claims 1, 4, and 10 are patentable over *Decker* '545. Dependent claims 2, 6-8, 12, and 13 are patentable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 3-8 and 10-13

The Examiner rejected claims 1, 3-8 and 10-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,809,909 to Kukesh (*Kukesh* '909). Applicants respectfully submit that *Kukesh* '909 does not anticipate these claims at least because *Kukesh* '909 does not teach each and every element of independent claims 1, 4, and 10.

As with *Decker* '545, *Kukesh* '909 maintains two completely separate fluid component streams before combination in a single mixing and dispensing device 16, as shown in Figure 1. The separate streams are specifically noted as a feature in *Kukesh* '909. “[C]omponent delivery systems 18 and 20 are totally separate from one another such that the first and second components circulating through their respective systems will not come into contact with one another and will be maintained isolated from one another.” Col. 6, ll. 26-31. As with *Decker* '545, *Kukesh* '909 is completely silent on splitting the two component fluids into primary and secondary streams. Thus, *Kukesh* '909 neither teaches nor suggests splitting each of the two fluid streams into primary and secondary streams and separately mixing the respective primary streams and the secondary streams, as recited in claims 1, 4, and 10.

For at least these reasons, Applicants respectfully submit that *Kukesh* '909 neither teaches nor suggests the claimed invention, as recited in independent claims 1, 4, and 10. Thus, claims 1, 4, and 10 are patentable over *Kukesh* '909. Dependent claims 3, 5-8, and 11-13 are patentable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

III. CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 9 and 14

The Examiner rejected dependent claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Kukesh* '909 in view of U.S. Patent No. 4,656,063 by Long *et al.* (*Long* '063).

As discussed above, *Kukesh '909* does not teach or suggest each and every element of independent claims 4 and 10, from which claims 9 and 14 respectively depend. *Long '063* does not provide that which *Kukesh '909* lacks with respect to claims 4 and 10. For example, *Long '063* is completely silent with respect to splitting the two component fluids into primary and secondary streams. For at least these reasons, *Kukesh '909* and *Long '063*, whether considered separately or in combination, neither show nor suggest the claimed invention, as recited in claims 4 and 10. By virtue of their dependence, claims 9 and 14 are patentable over *Kukesh '909* and *Long '063* for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

IV. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. No new matter is introduced by way of amendment. It is believed that each ground of objection and rejection raised in the *Office Action* dated September 29, 2008 has been fully addressed. It is believed that no extensions of time or fees are required, beyond the one-month extension provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account Number 03-2769 (1216-04302).

Respectfully submitted,



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